official Members of this Council, occupy the Chair and, as such, permit me, on behalf of the non-official Members of this House, to offer you our hearty felicitations and to assure you our support and hearty co-operation in our joint deliberations. Many of us have been pressing for the amendment of the Regulation, and the Rules to secure the appointment of an elected President for this Legislative Council. The opportunity afforded to us to-day will enable us to demonstrate the need as well as the justification for what we consider to be a legitimate and reasonable demand. We are confident that you will rise equal to the occasion, and we beg to assure that you will find the Members faithful in the discharge of the duties towards you.

**President.**—Thank you sincerely for the remarks you have made.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—Sir, on behalf of the official Members of this Council, I beg to offer you our hearty congratulations and felicitations, and will extend to you the same kind of co-operation as we have been doing to the President.

**President.**—Thank you very sincerely for the remarks you have made. I have only to assure you that I shall try my best to discharge the duties of the President to your satisfaction. With your co-operation, I do not think it is a matter of great difficulty.

## The Bill to amend the Court of Wards Regulation.

**President.**—We shall now proceed with the Court of Wards Amendment Bill. I have to make a few remarks:—

Before putting the motion as to whether this can be taken up for consideration, I wish to say one or two points. Now, much is made of the fact with regard to the occasion on which this question has come up. I believe the Members will forget the fact that Mr. Sankaranainan Pillai's estate is a factor in this. We have only to look to the general principles of the Bill. Now, if, as a matter of fact, this Amendment Bill is absolutely necessary for the proper working of the Court of Wards Regulation, I think there can be no room for doubt that this amendment ought to be allowed. If, on the other hand, the Court of Wards Regulation can be properly worked, irrespective of this, that is to say, without transferring the rights of the Court to the Court of Wards, then, it seems to me that there is no necessity at all for an amendment of this sort. Now, it is for you to say whether there is any real defect in the working of the Court of Wards Regulation, and to amend it on the lines on which it has been done by the amending Bill.

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The question of taking up the Bill for consideration was put to the votes and passed.

**President.**—Shall we consider it as a whole or clause by clause ?

**Mr. K. S. Rama Ayyar.**—Has the Bill been permitted to be taken into consideration ? If so, I have got certain amendments to move. This is the time for it.

**President.**—You ought to have given notice.

**Mr. K. S. Rama Ayyar.**—I have not given notice, and I am now requesting you to permit me to move these amendments, and consider, if they really help the Bill in question.

**President.**—Let us see what the nature of the amendment is. Will it not be better, if we consider it, when the Bill is taken clause by clause ? I think that is better.

**Mr. A. B. Salem.**—I think that is the time, as per Rule 38 of the Standing Orders.

**Mr. A. Sankara Puduval.**—With your leave, I shall move an amendment so as to affect all the provisions of the Bill. My amendment is :—"The provisions of the amending Regulation shall not apply to the estate of Mr. Sankaranainan Pillai and his minor brother, now under the management of the Court of Wards."

**President.**—It is not an amendment at all.

**Mr. A. Sankara Puduval.**—With regard to "coming into force", we have got amendments.

**Mr. N. Padmanabha Menon.**—Yes, we have got an amendment upon that clause.

**President.**—They have to be amended. That may be considered last.

**Mr. K. S. Rama Ayyar.**—With regard to clause 63, the first portion may be passed, and then, we will come to the next.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—The whole clause may be taken as it is.

**President.**—Is it not better to take it clause by clause ?

**Mr. K. Achyuta Menon.**—I think, so far as the Bill is concerned, 63 is a clause, and the others are all sub-clauses.

**Mr. N. Padmanabha Menon.**—All those may be taken as read.

**President.**—That is alright. Have you any amendment with regard to clause 63 ?

**Mr. K. S. Rama Ayyar.**—The amendments that I now propose may be called amendments or corrections, as they are very small things. In line 2, sub-clause (2), insert the word "the" between "in" and "Cochin".

**President.**—That is only a clerical error.

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**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—We have made a note of this.

**Mr. K. S. Rama Ayyar.**—In line 3, "decree" may be made "decrees".

**President.**—"Decree" is singular as well as plural.

**Mr. K. S. Rama Ayyar.**—In this particular clause, I have got only such things, but I have got more important ones in the subsequent clauses.

In clause 63, sub-clause (3), line 2, "after all or any of the powers" the word "of" may be omitted. In sub-clause (3) of clause 63 delete "of" before "Civil Court".

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—We have corrected it.

**Mr. K. S. Rama Ayyar.**—This is all with reference to 63.

**President.**—So, practically, there is no amendment to this clause.

**Mr. K. S. Rama Ayyar.**—Sir, I move to omit "by himself" in clause 64, line 2.

**President.**—I think no vote is necessary for this clause 63, because there is no objection.

You agree that this amendment to clause 63 shall be passed, and that these modifications shall stand part of the Bill?

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—They may be taken as passed, as there is no objection at all.

**President.**—Yes.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—We have corrected all those clerical mistakes.

The motion was put and carried.

**President.**—Then, next clause, clause 64.

**Mr. K. S. Rama Ayyar.**—In line 2, the words "by himself" may be omitted. I shall explain why. If the officer who is put in charge of this work is given the power of independent action without the authority of the Court of Wards, then, he may go one way and the Court of Wards another way, and there may be a clash of interests. So everything that he does must be through the Court of Wards or under their authority.

**President.** Has anybody any objection to this?

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—I object to that amendment. It has to be left as it is. The officer will be an officer of some status. He may be a District Judge or an Additional Judge. Therefore, in urgent cases, he must have power, as he may not have time to refer to the Court of Wards.

**Mr. K. S. Rama Ayyar.**—If the clause be as it is, he can sell properties, mortgage them, and can do anything with them without the knowledge of the Court of Wards.

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**President.**—But he is responsible to the Court of Wards.

**Mr. K. S. Rama Ayyar.**—He is responsible to the Court of Wards only for the moneys that will remain after the liquidation of the debts. It is nowhere stated that he is responsible to the Court of Wards.

**Rao Shib Mr. T. V. Kasturi Ranga Ayyar.**—The Government have issued rules regarding this matter.

**Mr. K. S. Rama Ayyar.**—Independent power is given by this clause.

**President.**—Is the amendment supported by anybody?

**Mr. N. Padmanabha Menon.**—Sir, I second it.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—Sir, I oppose it.

**President.**—What have you to say with regard to the amendment?

**Mr. A. Sankara Puduval.**—We are at the first clause. Under clause (a), I have to move an amendment. I beg to move to amend it thus:—"Raise the amount of the decree either by letting for a term not exceeding 24 years on payment of a premium, or by mortgaging, the whole or any part of the property ordered to be sold." It seems to me that this discretion given to grant perpetual leases would work very hard upon the estates. The other portion may remain as it is.

**Mr. N. Padmanabha Menon.**—Sir, I support it.

**President.**—I do not know whether there is any objection to that amendment.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—We want time to consider it. We shall dispose of Mr. Rama Ayyar's amendment and put it clause by clause. Then, there is the Trichur Member's amendment. So far as letting in perpetuity is concerned, he will get some premium and also some annual income. If I understand right, there are two ways open to him for raising money. One is by letting in perpetuity, and obtaining premium. The premium he gets as ready cash and also some annual revenue. Then, by mortgaging also, he can get an annual income. That is the point there.

**Mr. A. Sankara Puduval.**—That would be revisable. It can again be renewed. Lease in perpetuity is worse than sale.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—That is only an enabling provision. Ordinarily, the lease may be for a term. There may be cases in which properties may be small and sometimes unfit. It is only what they call in law—I am not a lawyer—"an enabling provision."

**Mr. A. Sankara Puduval.**—The words "in perpetuity" work great hardship.

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**President.**—The matter has to be put to votes.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—I am not for allowing it.

**Dr. A. G. Menon.**—What is the difference between the two?

**President.**—That will be a particular source of income.

**Mr. M. Krishna Menon.**—By outright sale, they will get more.

**President.**—That may be done, when it is more advantageous. It is only an enabling provision.

**Mr. A. Sankara Puduval.**—If the lease is granted in perpetuity, improvements would be made by the tenant, and the property might be lost to the owner, and it will remain practically irredeemable. The estate is lost to him for ever. On the other hand, a sale would be much more advantageous. My objection is to the words "in perpetuity or."

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—The general tendency in agriculture is to allow tenants always long leases, and there will be security. The tenant is encouraged to improve his property by that. Otherwise, when he has made improvements in the property, he will be driven away, though there is nothing wrong in law, in doing so.

**Mr. M. Krishna Menon.**—Letting in perpetuity is more in accordance with agricultural improvements, but you cannot make the experiment with a private man's property.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—He can get the annual income and premium. If a man improves his property, he can ask him to go away, when improvements are made. There may not be a case, where a man will take it for a term. He may require it for 99 and 100 years. He must go there with a large quantity of sand, etc., and reclaim it.

**President.**—So the objection is only to the words "in perpetuity or."

**Mr. A. Sankara Puduval.**—I shall put it in another way to make it less cumbrous.

**President.**—You need not fight. It is sufficiently clear. Has anybody to say anything regarding the amendment?

**Mr. A. Sankara Puduval.**—That will leave a wide margin. I shall modify the amendment by omitting only "in perpetuity or" and deleting the words "not exceeding 24 years" in my original amendment.

**President.**—Anybody to second it?

**Mr. N. Padmanabha Menon.**—Sir, I second it.

**President.**—With regard to clause (a); Mr. Rama Ayyar wants to omit the words "by himself or". Those who are in favour of the amendment will please hold up their hands.

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The motion was lost.

The second amendment to omit the words "in perpetuity or" was put and adopted.

**Mr. A. K. Vengu Ayyar.**—Sir, I want a poll.

A poll was taken with the following result.—

| *For the Amendment.* | *Against the Amendment.* |
|---|---|
| 1. Mr. Chakko Cheruvattur. | 1. Mr. K. Achyuta Menon. |
| 2. ,, O. R. Chummar. | 2. ,, V. K. Aravindaksha Menon. |
| 3. ,, George Chakyamuri. | 3. ,, K. Govinda Menon. |
| 4. ,, A. Govinda Menon. | 4. Rao Sahib Mr. T. V. Kasturi Ranga Ayyar. |
| 5. ,, E. Ikkanda Wariar. | 5. Mr. K. Krishna Pisharodi. |
| 6. ,, M. Krishna Menon. | 6. ,, C. Matthai. |
| 7. ,, P. Kunju Muhammad. | 7. ,, I. Raman Menon. |
| 8 ,, K. T. Mathew. | 8. ,, A. B. Salem. |
| 9. ,, N. Padmanabha Menon. | 9. ,, Sheik Abdul Qadir Sahib Bahadur. |
| 10. ,, K. S. Rama Ayyar. | 10. ,, V. B. Vaidyanatha Ayyar. |
| 11. ,, T. A. Ramachandra Ayyar | 11. ,, A. K. Vengu Ayyar. |
| 12. ,, A. Ravunni Menon. | 12. Diwan Bahadur Dr. V. Verghese. |
| 13. ,, A. Sankara Puduval. | |
| 14. ,, K. Sankaran Nambudiri. | |

The amendment was declared carried.

The motion that clause 64 as amended shall form part of the Bill was put and passed unanimously.

**President.**—Section 65—no amendment. It will stand as part of the Bill, and it will stand as passed.

It was put to the vote of the House and carried.

**President.**—Section 66—no amendment. That clause will stand part of the Bill.

The motion was put and carried.

**President.**—Section 67.

**Mr. A. Sankara Puduval.**—"Upon the expiration of the said period, the officer aforesaid etc., etc., etc." After the words "said period", I beg to move to insert "and on his being satisfied that notice under clause 66 has been duly served."

The amendment cannot work any hardship. It is simply a precautionary measure. The officer has to be very careful about the manner of the service.

**President.**—Anybody to second it?

**Mr. N. Padmanabha Menon.**—Sir, I second it.

**President.**—The amendment may be thus modified:—to add "and on his being satisfied with the proper service of the notice" between "period" and "the officer".

**Mr. A. Sankara Puduval.**—I accept it.

**President.**—The question before the House is whether the amendment shall form part of the clause.

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**Mr. K. Achyuta Menon.**—How is the notice to be served?

**President.**—There is that difficulty. The provision is for sending the notice by post.

**Mr. A. Sankara Puduval.**—"Such notice shall be published by being affixed on a conspicuous part of the Court-house of the Court which made the original order of sale, and in such other places (if any) as the officer aforesaid thinks fit; and where the address of any such decree-holder or claimant is known, a copy of the notice shall be sent to him by post or otherwise." That is, the officer must be satisfied that these things have been done. There is no objection in that. These things may be done easily. There must be some paper to show that something has been done.

**Mr. K. Achyuta Menon.**—The only methods provided are publication and service. Service is contemplated only in cases where the officer decides that it need not be sent by Post. There may be cases in which no address in known.

**Mr. A. Sankara Puduval.**—The officer must be satisfied. That is all. Then, I have no objection.

**Mr. K. Achyuta Menon.**—There may be cases in which no address is known. The only method provided is the publication of the notice. It is no service of the notice, unless its publication is effected. Service is contemplated only in cases where the officer decides that it need not be sent by Post. What about the cases of persons whose addresses are not known?

**Mr. A. Sankara Puduval.**—Even about publication, the officer must satisfy himself that all conditions have been fulfilled.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—Supposing the conditions are not fulfilled, I think, on that ground alone, his action can be set aside.

**President.**—But that clause assumes that the officer must have satisfied himself about the publication.

**Mr. A. Sankara Puduval.**—The clause simply says "Upon the expiration of the said period, the officer aforesaid, etc." What I want to insist upon is that the officer at least must be satisfied that all precautions have been taken to give information and all facilities so that he may understand what is going on.

**President.**—But who is to do this?

**Mr. A. Sankara Puduval.**—The officer must satisfy himself. If there is time only for affixing the notice in a conspicuous part of the Court-house of the Court which made the original order for sale and in such other places (if any) as the

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officer thinks fit, he can say that at least a portion of the order has been carried out. But when the passing of the order and the expiry of the term are not sufficient, the officer must be satisfied that these things have been done.

**President.**—The amendment may be further modified thus:—"and on his being satisfied with the proper service or publication, as the case may be, of the notice."

**Mr. A. Sankara Puduval.**—I have no objection. I can accept that. My point is that the officer must be satisfied that the necessary things have been carried out. It is his duty to see to it.

**Mr. K. Achyuta Menon.**—I want to make one observation. I am not able to answer about the passing and adopting of the amendment of the Bill drafted on the lines of the British enactment. I am not clever enough nor do I presume that I am able to oppose the amendment all on a sudden. It has to stand on the statute book, and the language must be carefully used, and any mistake made by us by doing this all on a sudden may look rather awkward. That is the reason.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—The point is whether there is any such necessity for the amendment. I think it is already clear. What the officer has to do is clearly laid down in it.

**President.**—Unlses there is publication, that period cannot expire. I do not think that there is any real necessity for the amendment. It is clearly implied in it.

**Mr. A. Sankara Puduval.**—Then, I do not persist. I withdraw.

The amendment was withdrawn with the leave of the Council. Clause 67 was put to votes and carried.

Clauses 68 and 69 were put and carried.

**President.**—Clause 70.

**Mr. A. Sankara Puduval.**—Here also the words "in perpetuity or" may be omitted as in clause 64.

**President.**—Anybody to second the amendment?

**Mr. M. Krishna Menon.**—Sir, I second it.

It was put to the vote of the House and carried.

**Mr. A. Sankara Puduval.**—I beg to move that, in clause 70, sub-clause (1) (b) i, the words "in perpetuity or" may be deleted for the same objections as in clause 64.

**Mr. M. Krishna Menon.**—Sir, I beg to second it. Since this objection is the same as in clause 64, this may be put to votes.

The motion to amend clause 70, sub-clause (1) (b) (i) to delete "in perpetuity or" was put to votes and carried. Clause 70 as amended was put to votes and carried.

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Clause 71, was put to votes and carried.

**President.**—Clause 72.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—I beg to move that the words " disposed of in such manner to the Court of Wards " towards the end of sub-clause (4) in clause 72 shall be deleted and the words " paid to the judgment-debtor or such other person as the Court directs " may be inserted in their place.

**Mr. M. Krishna Menon.**—Is it a printer's mistake or any other thing?

**Mr. K. Achyuta Menon.**—No, Sir.

**Mr. A. K. Vengu Ayyar** —I beg to second the motion made by the Diwan Peishkar.

The sub-clause as amended was put to votes and carried.

Clause 72 as amended was put to votes and carried.

The remaining clauses, 73, 74 and 75 as they were, were put to votes and carried.

**President.**—Now, we shall come to the preamble.

**Mr. N. Padmanabha Menon.**—Sir, I beg to move that the words "at once" after the word "force" in clause 1 of the preamble be deleted and the words "on 1st Chingam 1103," be inserted in their place.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—Sir, I accept the amendment.

**Mr. M. Krishna Menon.**—I beg to second it.

**Mr. A. K. Vengu Ayyar.**—I beg to oppose it.

**Mr. N. Padmanabha Menon.**—It has been made amply clear, that the administration of this estate was assumed by the Government without considering the *pros* and *cons*. It is also clear that, if the Bill is made applicable to the Court of Wards, it will work hardship on the creditors. The Travancore creditors will realise their amounts, while the Cochin creditors will have to wait, if this Bill is brought into force at once. The Court of Wards will be compelled to take some action in respect of the estate under its management for paying off the creditors. That is the reason for the amendment.

**Mr. K. Achyuta Menon.**—Sir, I beg to oppose it.

**Mr. N. Padmanabha Menon.**—On a point of order; my amendment has been accepted by the Revenue Member, and so the Government cannot oppose it.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—I may give my reasons for supporting the amendment. If this Bill is taken up and passed on a certain day to be appointed—suppose it is next Friday—then, it will have to go to His Highness for

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sanction, and the Sign Manual will have to be obtained. This will take some time. By the time this Regulation comes into force, the Courts will close. The Courts will re-open only on the 15th or 20th of Edavam, and after that there will be only two or three months for 1st Chingam 1103. Conditions and circumstances always change. If there was an interval of six months, probably, it might have helped us in improving the affairs of the estate. Six months have now passed by, since the idea was conceived of passing this Regulation. Even if it is passed to-day, a special officer will have to be appointed, and funds for liquidation of debts made available on 1st Chingam 1103. I doubt whether all these things could be brought about, even if it is passed now, before 1st Chingam 1103. From the point of view of the administration of the estate, and the advantages to be derived by the application of this new Regulation, we will not be in any way worse now than what we would be six months hence. That is the reason why I said that I have no objection to the amendment. I have two colleagues in the Court of Wards, and my own personal view of the matter is that, by the time the Bill is passed into law, the Courts will close, and we will have time to raise money before appointing an officer. Even if this is passed to-day, we are not for bringing it into force now. But we need bring it into force only from 1st Chingam in 1103. In view of the strong opposition from the non-official Members who think that we are doing this for the sake of Mr. Sankaranainan Pillai's estate, it is better to fall in with their views and bring a new law into force from 1st Chingam 1103. When we assumed management, we were confronted with certain difficulties in the management of that estate; it is for removing them that we brought in this amendment to the Court of Wards Regulation. Whether this is going to be advantageous or not we are not sure. No useful purpose will be served just now even if it is brought into force immediately. This suggestion is made as a matter of policy and expediency. I have not the slightest objection to have the new law coming into force in Chingam 1103. That is my own personal point of view.

**Mr. N. Padmanabha Menon.**—On a point of order. Generally, it is the convention of this House that Government Members speak upon a point for the Government, and it is also the convention that the non-officials take it as the attitude of the Government. The Member for Land Revenue did not preface his remarks that it is his personal opinion, when he accepted the amendment. I submit it must be taken as the attitude of the Government, and no Member of the Government may now be allowed to oppose it.

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**President.**—I do not think it is correct. When the Diwan was President here, you had that advantage; you lose it now.

**Mr. N. Padmanabha Menon.**—My other point is whether any Member of the Government bench can be allowed to explain his personal inclination on a subject.

**Mr. K. Achyuta Menon.**—It may be he speaks for the Government. If the Government directs that we should oppose you, we may obey it. But I know you cannot insist upon us not to open our mouths separately.

**Dr. A. R. Menon.**—So far as we know, we have got a convention that, when an official is speaking for the Government, he is also expressing his individual opinion. It is true that Members on the official benches—all the twelve—should raise their hands, when the Government oppose a Bill, but that does not mean that they could not express their individual opinion. It has been their invariable custom to oppose in a body, and it is a great pleasure to me to know that a difference of opinion can exist even among the twelve. This is the first time that this has occurred, and I am very glad to observe that a difference of opinion can exist also among them.

**President.**—There is no Government here. We have only the Council. We will not be right in accepting the statement of one official as binding upon the Government. The official Members are representing the departments; that is all.

**Mr. A. Sankara Puduval.**—If it is opposed, it may be discussed.

**Mr. A. K. Vengu Ayyar.**—I have opposed the motion.

**Mr. M. Krishna Menon.**—This amendment to the Court of Wards Regulation is brought in the interests of the estate of Mr. Sankaranainan Pillai. That is the object of this Bill. The estate has a debt of 5 lakhs binding upon it. Many attempts have been made by the Court of Wards to raise a loan; and if the Court of Wards is not in a position to raise that loan, no difficulty should be placed in the way of creditors realising their money. If this Regulation is passed, till the Court of Wards gives up the management of the estate, no decree could be executed. If it is made applicable immediately, creditors will have to wait the pleasure of the members of the Court of Wards. If it is to come into force in 1103, and in the meanwhile, if the members cannot raise a loan, in all probability, as gentlemen, they may give up the management without putting fresh obstacles in the way of the creditors realising their money. The Government has already refused a loan. They are to go from place to place to see whether anybody chari-

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tably inclined would advance the money, and if nobody is coming forward, they will be compelled to renounce the management. If this Regulation is passed immediately, (from to-morrow onwards) no decree can be executed. With regard to the time required for getting His Highness' assent and all the other formalities as stated by the Member for Land Revenue; we can easily understand that it requires only very little time. There is the cycle orderly who will take it, and the necessary sanction would be got on the very day itself, and if it once becomes law, no creditor can proceed further. When we moved the amendment that this should not be applied to Mr. Sankaranainan Pillai's estate, it was ruled out. Then, it was moved that this should not come into force before 1st Chingam 1103 for the above reasons. The whole House would not have opposed this, had it not been brought forward for the purpose of safeguarding the interests of Mr. Sankaranainan Pillai's estate alone.

**Mr. A. Sankara Puduval.**—I too think that the amendment whereby the Regulation shall come into force on 1st Chingam 1103, in varied ways, is quite right. Further, things have been brought to light, whatever be the Government's position, that the Government's information at the time it took up management has been materially altered. There are indications in the answers to the interpellations given to-day, that the Government's opinion and the opinion of the officers concerned in the administration of this estate has had to undergo some material changes, especially by the major debtor, Mr. Sankaranainan Pillai, in regard to the disposal of the properties in Travancore and British Malabar. The estates have not been valued; not only the properties situated in this State but also the properties in Travancore and British Malabar. If the Government finds that it has been meddling with this estate in a particular undesirable way,—and so far as Travancore and British properties are concerned, they are not given any right over them,— it may be that the Government might think twice before embarking upon this venture again. On the other hand, it may be, that as this estate is under the management of the Court of Wards which renders all possible facilities in the administration of this estate and as the prospect of this Regulation coming into force in 1103 is present in the minds of all creditors, they may be agreeable to give conciliatory terms. So that, from the aspect of the proper administration of this estate, with the idea of making the creditors to accept reasonable terms by passing this Amendment Regulation, and also from the other aspect of the Government itself withdrawing

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from the management, if this gentleman has not been keeping up to the terms of the original promise, the idea of giving up the management may also be useful. So that we would from every stand-point, from the stand-point of a profitable and desirable way of administering the estate, or from the stand-point of backing out of it fairly and squarely, six months' interval would be very salutary and useful. I suppose, therefore, the Diwan Peishkar's individual opinion must carry weight with the Members of the Council in prolonging the coming into force of this Regulation, and it can have no detrimental effect. That is what I can say.

**Mr. E. Ikkanda Wariar.**—Sir, I beg to oppose the amendment for the same reasons given by the Hon'ble Mover. If the Hon'ble Members think that the administration of Mr. Sankaranainan Pillai's estate is a pet scheme of the Government, and if they are tenaciously clinging to it, they are sure to find some way or other to get over the proposed period. By suspending the operation of the Bill till 1st Chingam 1103, we are only putting off the evil day. On the other hand, if the Government wants to take advantage of this Regulation in order to administer the estate effectively and well, let them have it, and the sooner it is passed the better. By prolonging it by 5 or 6 months, it may be that one or two creditors who have obtained decrees, and who have proclaimed the properties of Mr. Sankaranainan Pillai for sale may be able to sell them and realise their amounts. But those who have not even thought of a suit, those who have only obtained decrees and not proclaimed properties for sale will not have any advantage. We pass this Regulation, not for the benefit of one particular person; I think it was with a view to benefit the general body of creditors and not one or two of them that we consented to the passing of this Bill. For these reasons, I oppose the amendment.

**Dr. A. R. Menon.**—Sir, I rise to support the amendment moved by the Hon'ble Member for Cranganur. It is very strange that the Government must bring in a good Bill here for a bad purpose. The Bill by itself should not meet with any objection or opposition, But what is the purpose for which this is brought in. This is being brought in under the guise of a general beneficient measure, but really it is for protecting a man who is a notorious spendthrift. It has been shown that for inadequate considerations some of the properties have been assigned by him, to his friends and dependents. Well, is it justifiable to bring in a law to defraud the creditors and to protect an undesirable character of this type? It is no part of the duty of the Government to go out of its way

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to protect a squanderer who, after running into debt, squanders away his properties;—whatever be the beneficient nature of the Bill—and there is no difference of opinion about it—it is not worthy on the part of the Government to use their machinery to protect a man of this type. The Diwan Peishkar knows much more about the working of the Court of Wards than the learned Advocate, and he is competent to express an opinion. In the matter of administration of his departments, the Diwan Peishkar is second to none, and if he is satisfied that this need come into force only on 1st Chingam, I am not inclined to question his judgment. On these grounds, I support the amendment.

**Mr. A. B. Salem.**—Sir, I support the amendment. It has been abundantly made clear by this House that this Bill should not go to the party for whose benefit the Government interests itself. The position now is, we want to pass this Bill, while at the same time the House is reluctant to give that benefit to the particular party concerned. We have more reasons than one. The Government is not satisfied with this estate and the conduct of the parties, and they have refused a loan. Had they given the loan some six months ago, this Bill itself need not have been rushed through. You have assumed the management of the estate without foresight. You have not advanced money to this estate so that it may satisfy its creditors. To manage that estate you want this Bill. If you had advanced money, and if we do object to the Bill, we will be tampering with its management. If it had been so, I am certain we would have been inclined to vote as the official block here, entirely in favour of the Bill. But that is not the case. The Government has actually refused the loan. They have not got any way to get money from anywhere. If they can hold out a hope to this House that they can find money in six months' time, and say that they will continue the management of the estate for, say, six months more, then, we can do something.

It must have taken some months for consideration previous to the assumption of this estate by the Court of Wards. If, after all their enquiry for all this time, they cannot even now, to-day, assure the House that they can find the money to satisfy the creditors, what is the position we are reduced to? Will this House be right to support the Bill for the purpose of benefitting an estate which, according to themselves, they are not sure of? Is it right on the part of the Government to come forward with this Bill and press it upon the attention of this House in the manner in which they have done? That is why we say the Government have blundered and blundered, and offence is taken

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by the other side. We can oppose the Government. We are here to point out the defect of the Government and the defect of the procedure and the management. We stand here as practical men of affairs to give a turn to affairs. In theory this Bill has to be passed. The Hon'ble Law Member was hard upon this point. We are not here upon that point. We are here dealing with flesh and blood. It needs no telling from the Law Member. What he has said is beside the point.

**President.**—It is all a question of date.

**Mr. A. B. Salem.**—We want to postpone the date so that there will be plenty of time to the Government to make up their mind whether they will have the estate continued in the management of the Court of Wards or not. Just to see, if things would improve, we want it to be postponed as much as possible so that creditors who have gone in to the Court may have their money. The conduct of the party is certainly not one that anybody can stand up for.

Under these circumstances, I think I should certainly press upon you, Sir, that this amendment should be supported with all the might of this House.

**Mr. George Chakyamuri.**—Sir, I rise to support the amendment inasmuch as it will help the Government or rather it will force the Government to give up the management of Mr. Sankaranainan Pillai's estate. I have said it more than once here, and even now I cannot appreciate why the Government has a particular fancy for this Mr. Sankaranainan Pillai or his brother Kannu Pillai. There are ever so many minors and so many Pillais in our Cochin State, and I see no reason why the Government should take up the management of this Pillai's estate.

**President.**—All that is over now.

**Mr. George Chakyamuri.**—I am stating the reason why I support the amendment so that the Government may leave the management to itself.

**President.**—The legislation is not intended for this estate alone.

**Mr. George Chakyamuri.**—I support the amendment, because it may lead to the abandonment of the estate finally.

**President.**—That point will be considered.

**Mr. George Chakyamuri.**—If this Bill has to be passed, a portion of it will have to be deleted.

**Mr. K. T. Mathew.**—We are expressing our opinion, we are not in favour of applying this legislation to this particular estate.

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**Mr. George Chakyamuri.**—What was expressed the other day is that the Government want to save the interests of one minor. What I would bring to your notice is that, by trying to save one minor, the Government is ruining several minors who are creditors and who cannot realise their amounts. As it has been pointed out here, the particular conduct of this major-minor whose estate also has been taken up is far from being satisfactory. Under section 16 of the Court of Wards Regulation, the Government ought to have brought a suit for partition of this major-minor. I can appreciate the Government being very much interested for the purposes of a minor, but I quite fail to appreciate why they take so much interest for this major-minor whose conduct has been well brought out in answer to my question No. 242.

With these observations, I support the amendment.

**Mr. Chakko Cheruvattur.**—Some of the Members here entertain some doubts as to whether an expression of opinion—I mean rather a statement—by one Member from the official bench binds the others. I want to elucidate that point. In elucidating it, I want to bring to the notice of the House that a statement by a Member from the official bench has been illustrated to be not binding upon himself. It has been illustrated previously, when the quarrying resolution was taken up. The President asked the Revenue Member whether he has any objection in retaining the Government sanction and taking away the Jenmi's sanction. The Revenue Member replied that he had no objection. I have got the reference. It is on page 274, and afterwards, when the resolution was put to the votes, the whole official bench voted blindly against the resolution. So I bring to the notice of the House that a statement made by a Member of the official bench need not be taken up as a conclusive opinion of the Government. As for the amendment, I support it for the reasons given by the non-official Members.

**Mr. K. Achyuta Menon.**—Sir, I beg to oppose the amendment. Of course, I am only repeating, when I say the whole stress is laid upon this Mr. Sankaranainan Pillai's conduct. If only the Members would have considered the case of the minor with the same force and vehemence as they have denounced Mr. Sankaranainan Pillai, certainly, they would not have come forward with this amendment. I still repeat that there is a minor. To say that the creditors will be affected by this Regulation is a mistake. I think so myself. Can the Members say that all the creditors or the majority of the creditors are benefited by the suspension of the resolution simply because certain creditors have gone to the Court and obtained decrees to have the proper-

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ties knocked down for a lesser price than they would fetch in the open market ? They are now complaining that this amendment ought not to be made applicable to this particular estate. My friend, the Member for Mulakunnattukavu, told me that several persons told him they are very anxious to have the same passed. I believe that this House will take as much interest as possible in the interest of the creditors who have not filed their suits as in those who have obtained decrees. I believe many of them are misled by thinking that the Government wants—I cannot use the same word in return—to defraud the creditors. It is most unwarranted to make a solemn speech before this House that an attempt is being made by the Government to defraud the creditors, and that it is unworthy of them. It is absolutely unfounded and unworthy of the Members of this House, and I think that, in the interests of this House and in the interests of the Government, I must repudiate that statement.

**Mr. George Chakyamuri.**—I don't think anybody made such a statement.

**Mr. K. Achyuta Menon.**—If the reports are true, you will find it.

**Mr. George Chakyamuri.**—The word "unworthy" was used but not the word "defrauded."

**Mr. K. Achyuta Menon.**—"The Government wanted to defraud or to abet persons that wanted to defraud." That was the term used.

**Mr. George Chakyamuri.**—The Government are introducing this Bill to support persons that want to defraud.

**Mr. M. Krishna Menon.**—It is clear.

**Mr. K. Achyuta Menon.**—I don't know whether that makes matters differ.

**Mr. A. B. Salem.**—There is no harm in making that statement. That is the reply.

**Mr. K. Achyuta Menon.**—I think Government Members are entitled to say. I have my own tongue. I am also entitled to reply to it. The charge of coming forward with a legislation by the Government to assist creditors or to defraud creditors will be a charge. I leave the House to decide it. I am not going to use strong language to repudiate it, but certainly it will be clear. At any rate, it is not made clear that the creditors who have gone to the Court do not exhaust the whole body of creditors. It there are more men, it will certainly affect the creditors who have not gone to the Court. But the procedure proposed by the amending Bill will certainly help all creditors. It will not certainly enable creditors to knock down the property for a smaller price as is done in the Civil Court, but will prevent them from doing that. If that is defrauding the judg-

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ment-debtors, the Government plead guilty. I hope all Members will coolly consider, not being carried away by strong words. There is the minor, and there is the suggestion that a suit may decide what is required. What are the contentions to be raised? By the time the whole estate will be sold away. We protect the interests of the minor; thereby the major's interests might also be protected. He was not behaving in the way in which he ought to have done. That is no reason why we should not come forward with the proper Bill for the purpose of carrying out the objects with which a Court of Wards Regulation is passed. Suppose another estate comes under the management of the Court of Wards to-morrow, and there are decrees against that debtor. We cannot do anything, if the Bill is to come into force in Chingam of next year, but I don't want to stand upon that argument. I object to the amendment on principle.

**Mr. T. A. Ramachandra Ayyar.**—Suppose he is declared to be insolvent.

**Mr. K. Achyuta Menon.**—We have several remedies in the Civil Courts. There is also another remedy of applying to the Court of Wards, which the individual may choose to decide for himself. People go to a Court of Law to get themselves declared insolvents, at the same time going on with their own ways. That is defrauding the creditor by getting himself declared insolvent, after his property is concealed. Where there is a Court of Wards, the officer appointed by the Government will deal with the cases impartially. I don't suggest that Civil Courts will not consider the cases impartially. The Civil Courts will not have the power. They will not be able to pay the creditors who have not filed suits. I, therefore, strongly oppose this amendment, and I hope the House will not be carried away by it.

**Mr. M. K. Raman.**—The Hon'ble Law Member seems to refer to creditors who have not already filed suits. But I understand, so far as this estate is concerned, there is an insolvency petition now pending, put in by a creditor, and in the ordinary course of business, we know that the Courts will appoint an Official Receiver.

**President.**—That can be done only as far as Mr. Sankaranainan Pillai's estate is concerned.

**Mr. M. K. Raman.**—The whole estate.

**President.**—That is not an estate that is declared insolvent.

**Mr. M. K. Raman.**—What I would submit is, it is in the hands of the Official Receiver. There would be no question of dividing or putting persons who have not already run to the Court for any difficulty.

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The Court of Wards have not now assumed management of all properties of the minor and the major. Now, since there is an insolvency petition pending, all these estates will come under the management of the Official Receiver, and there will be practically no difficulty, so far as the creditors who have obtained decrees and the others who have not rushed to the Courts are concerned.

I have also to submit that it is a very bad principle to pass an enactment for the purpose of a particular individual. As the Hon'ble Member of the Revenue Department observed, this Bill is passed for a special case. It would be seen that the object of carrying through this Bill in such a short time is to make it applicable to this particular individual, and as has been pointed out by a number of Hon'ble Members here, it would create a great deal of hardship to the other creditors. It is quite reasonable, therefore, that this enactment should come into force only after a period of six months. If a period of six months is allowed to intervene, there will be sufficient time for them to see what is the nature of the property, what is the nature of the encumbrances, and whether the assets will be sufficient to repay the liabilities. Supposing the creditors are kept in abeyance for six months, will the Court of Wards give an assurance that all of them will be paid, and on what guarantee? Now, you are carrying a particular law into operation which they never expected at the time of advancing money for the purpose of defeating their claims. What is the guarantee that the Court of Wards or the Government will be able to hold out that their monies are secure? It is estimated that the liabilities come to nearly 6 lakhs of rupees. We do not know what the assets are. Some of the properties are in Travancore. We do not know whether the assets on the whole put together will go to pay all the liabilities.

**President.**—What has the assumption to do with the passing of the Bill?

**Mr. M. K. Raman.**—What I have to submit is, if this particular enactment is not made for the purpose of making it applicable to this particular case, there is no necessity for hurrying through this Bill. If this Bill comes into operation from the 1st of Chingam of next year, no harm can come out of it, even if it is not made applicable to this particular case. Of course, the Court of Wards will have sufficient time. Therefore, I strongly support the amendment that is proposed.

**Mr. N. Padmanabha Menon.**—Has the Government received any petition from those creditors supporting this Bill?

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**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—Do you want information only on this particular point?

**Mr. N. Padmanabha Menon.**—I have a right of reply.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—I propose that the question may now be put to votes.

**President.**—The question to be decided is, whether the Bill should come into force at once or on the 1st of Chingam. In dealing with the point, it seems to me that the Bill, if passed, would be made useful for Mr. Sankaranainan Pillai's estate. The Revenue Member says that this will not be of any use in any way whether it comes into force or not. As the Law Member said, suppose other estates are assumed in the meantime, it may be useful for them. The only question to be considered is whether there is any necessity of putting it off for the 1st of Chingam, and that has to be decided on general principles and nothing else. It is for you to say whether it is to be accepted or not.

**Mr. N. Padmanabha Menon.**—Will you give me the right of reply?

**President.**—No. Now, I shall put the question to the votes.

The question whether the enactment should come into force at once or on the 1st of Chingam 1103 was put to the vote of the House, and was lost, the President voting against it.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—Sir, I want a poll.

The poll was taken, and the division list is as follows:—

*For the Amendment.*

1. Mr. Chakko Cheruvattur.
2. ,, A. Eachara Menon.
3. ,, George Chakyamuri.
4. Dr. A. Govinda Menon
5. Mr. S. S. Koder.
6. ,, M. Krishna Menon.
7. ,, P. Kunjumuhammad.
8. ,, K. T. Mathew.
9. ,, N. Padmanabha Menon.
10. ,, T. A. Ramachandra Ayyar.
11. ,, M. K. Raman.
12. Dr. A. Ravunni Menon.
13. Mr. A. B. Salem.
14. ,, A. Sankara Puduval.
15. ,, K Sankaran Nambudiri.

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*Against the Amendment.*

1. Mr. C. Achyuta Menon.
2. ,, K. Achyuta Menon.
3. ,, V. K. Aravindaksha Menon.
4. ,, K. Govinda Menon.
5. ,, E. Ikkanda Wariar.
6. Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.
7. Mr. T. K. Krishna Menon.
8. ,, K. Krishna Pisharodi.
9. ,, C. Matthai.
10. ,, K. S. Rama Ayyar.
11. ,, I. Raman Menon.
12. ,, Sheik Abdul Qadir Sahib Bahadur.
13. ,, V. B. Vaidyanatha Ayyar.
14. ,, A. K. Vengu Ayyar.
15. Diwan Bahadur Dr. V. Verghese.
16. President.

The amendment was declared lost.

**Mr. M. K. Raman.**—The Revenue Member said he has no objection to passing it from the 1st of Chingam 1103.

**Rao Sahib Mr. T. V. Kasturi Ranga Ayyar.**—As a Government Member, I oppose.

The original preamble was then put and carried.

**Mr. K. Achyuta Menon.**—Sir, I beg to move that this Bill be taken up and passed at Friday's meeting.

**Mr. A. K. Vengu Ayyar.**—Sir, I second it.

**Mr. N. Padmanabha Menon.**—I oppose the motion with the amendment that it may be taken up and passed at the next session of the meeting.

**Mr. M. Krishna Menon.**—Sir, I second the opposition.

The House rose for the day at 5 p. m.

T. K. KRISHNA MENON,
Secretary to the Council.

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